

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Ellen W. Collisson, et al.

Serial No.: 09/303,510

Art Unit: 1648

Filed: April 30, 1999

Examiner: WINKLER, U.

Title: NUCLEIC ACIDS ENCODING FELINE CD86 (FORMERLY ENTITLED:
FELINE CD80, FELINE CD86, FELINE CD28, AND FELINE CTLA-4
NUCLEIC ACIDS AND POLYPEPTIDES)

Customer No. 27123

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP
UNDER 37 C.F.R. §§ 1.48(a)

Sir:

Pursuant to 37 CFR §1.48(a)(1), applicants hereby request to amend the above-referenced application to correct the inventorship by adding as inventors, Barbara J. Winslow, of 703 Stratford Court #7, Del Mar, California 92104, United States of America and Mark D. Cochran, of 4506 Horizon Drive, Carlsbad, California 92008, United States of America, who were omitted through error and without any deceptive intention.

As filed herewith:

1. A statement as required in 37 C.F.R. § 1.48(a)(2) by Barbara J. Winslow and Mark D. Cochran that the omission of their being named as inventors of the invention of the above-identified patent application occurred without deceptive intention on their part;
2. A declaration by all the true inventors as required by 37 C.F.R. § 1.63 pursuant to 37 C.F.R. §1.48(a)(3);
3. Written consent of the assignee, The Texas A&M University System, to the addition of inventors Barbara J. Winslow and Mark D. Cochran as co-inventors, as required by 37 CFR §1.48(a)(5) and deletion of Stephen M. Hash under 1.48(b), as co-inventor of the invention of the above-identified patent application; and
4. A processing fee set forth in 37 C.F.R. §1.17(i).

Also enclosed is a copy of the Assignment (filed in the USPTO) that states Barbara J. Winslow and Mark D. Cochran (Assignors) sells, assigns, and transfers to Schering-

Plough Animal Health Corporation (Assignee) with respect to the United States, Assignors' entire rights, title and interest of the instant application.

Applicants respectfully submit that the requirements of 37 C.F.R. § 1.48 for correcting the inventorship of the present application have been satisfied, and request favorable consideration of this Petition.


AUTHORIZATION

Please charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 13-4500, Order No. 2976-4054US2. A DUPLICATE COPY OF THIS PETITION IS ENCLOSED.

Respectfully submitted,

Date: September 16, 2004

By:


Evelyn M. Kwon
Registration No. 54,246

Mailing Address:
MORGAN & FINNEGAN L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700
(212) 415-8701 Telecopier

Customer ID NO: 27123

Docket No. 2976-4054US2



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Applicant(s): Ellen W. Collisson, et al.

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FELINE CD80, FELINE CD86, FELINE CD28, AND FELINE CTLA-4
NUCLEIC ACIDS AND POLYPEPTIDES)

EXPRESS MAIL CERTIFICATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail Label No.: EU64948733US

Date of Deposit: September 16, 2004

I hereby certify that the following attached paper(s) and/or fee

1. Request to Correct Inventorship Under 37 C.F.R. §1.48(a) (2 pages) including check in the amount of \$130 to cover processing fee;
2. Request to Correct Inventorship Under 37 C.F.R. §1.48(b) (2 pages) including check in the amount of \$130 to cover processing fee;
3. Two (2) Declarations of Inventor Pursuant to Petition to Correct Inventorship Under Rule 1.48(a) (2 pages;)
4. Declaration (5 pages);
5. Consent of Assignee (1 page);
6. Copy of the Recordation Form Cover Sheet (1 page) and filed Assignment to Schering-Plough Animal Health Corporation (Assignee) (4 pages);
7. Associate Power of Attorney (2 pages); and
8. Return receipt postcard.

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Albert Isles

(Typed or printed name of person mailing papers(s) and/or fee)

(Signature of person mailing paper(s) and/or fee)

Correspondence Address:

Morgan & Finnegan, L.L.P.
3 World Financial Center
New York, New York 10281-2101
Tel: (212) 415-8700
Fax: (212) 415-8701

84-1764

1648 JH



Serial No. 09/303,510

DOCKET NO. 2976-4054US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ellen Collisson, Stephen Hash and Insoo Choi

Serial No.: 09/303,510

Art Unit: 1648

Filed: April 30, 1999

Examiner: Winkler, U.

Title: NUCLEIC ACIDS ENCODING FELINE CD86

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF INVENTOR PURSUANT TO
PETITION TO CORRECT INVENTORSHIP UNDER RULE 1.48(a)**

I, Barbara Winslow, of 703 Stratford Court #7, Del Mar, CA 92014, United States of America, declare that it was in error not to name me as an inventor of one or more inventions claimed in the above-referenced application, and that the error in failing to name me as an inventor arose without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 3.2.04

By: Barbara Winslow
Barbara Winslow



U.S. Serial No. 09/303,510

DOCKET NO. 2976-4054US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ellen Collisson, Stephen Hash and Insoo Choi

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Title: NUCLEIC ACIDS ENCODING FELINE CD86

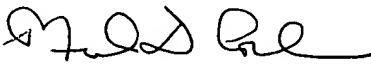
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DECLARATION OF INVENTOR PURSUANT TO
PETITION TO CORRECT INVENTORSHIP UNDER RULE 1.48(a)**

I, Mark Cochran, of 4506 Horizon Drive, Carlsbad, CA 92008, United States of America, declare that it was in error not to name me as an inventor of one or more inventions claimed in the above-referenced application, and that the error in failing to name me as an inventor arose without any deceptive intention on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: March 2, 2004

By: 
Mark Cochran



Docket No. 2976-4054US2

**DECLARATION FOR ORIGINAL, DESIGN,
NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CONTINUATION-IN-PART APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention now entitled:

NUCLEIC ACID ENCODING FELINE CD86

(formerly, FELINE CD80, FELINE CD86, FELINE CD28, FELINE CTLA-4 NUCLEIC ACID
AND POLYPEPTIDES)

the specification of which

- a. ☐ is attached hereto
- b. ☒ was filed on April 30, 1999 as application Serial No. 09/303,510 and was amended on January 18, 2000, April 30, 2000, September 28, 2000, September 7, 2001, May 6, 2002, October 30, 2002, and January 28, 2003. (if applicable).

PCT FILED APPLICATION

- c. ☒ was described and claimed in International Application No. PCT/US99/09502 filed on April 30, 1999 and as amended on . (if any).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby specify the following as the correspondence address to which all communications about this application are to be directed:

SEND CORRESPONDENCE TO:

- ☐ Bar Code label attached (see right)
- ☒ Address Shown (see below)

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, N.Y. 10154

DIRECT TELEPHONE CALLS TO:

212-758-4800

27123

↑CUSTOMER NUMBER↑

☐ I hereby claim foreign priority benefits under Title 35, United States Code § 119 (a)-(d) or under § 365(b) of any foreign application(s) for patent or inventor's certificate or under § 365(a) of any PCT international application(s) designating at least one country other than the U.S. listed below and also have identified below such foreign application(s) for patent or inventor's certificate or such PCT international application(s) filed by me on the same subject matter having a filing date within twelve (12) months before that of the application on which priority is claimed:

☐ The attached 35 U.S.C. § 119 claim for priority for the application(s) listed below forms a part of this declaration.

| Country/PCT | Application Number | Date of filing (day, month, yr) | Date of issue (day, month, yr) | Priority Claimed |
|-------------|--------------------|---------------------------------|--------------------------------|---|
| | | | | <input type="checkbox"/> Y <input type="checkbox"/> N |
| | | | | <input type="checkbox"/> Y <input type="checkbox"/> N |
| | | | | <input type="checkbox"/> Y <input type="checkbox"/> N |

☒ I hereby claim the benefit under 35 U.S.C. § 119(e) of any U.S. provisional application(s) listed below.

| | |
|-----------------------------|---------------------------------|
| Provisional Application No. | Date of filing (day, month, yr) |
| 60/083,869 | May 1, 1998 |

**ADDITIONAL STATEMENTS FOR DIVISIONAL,
CONTINUATION OR CONTINUATION-IN-PART
OR PCT APPLICATION(S) DESIGNATING THE U.S.**

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) or under § 365(c) of any PCT international application(s) designating the U.S. listed below.

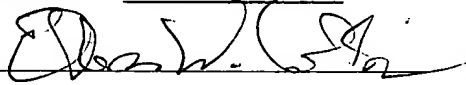
| US/PCT Application Serial No. | Filing Date | Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT) |
|-------------------------------|-------------|--|
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| US/PCT Application Serial No. | Filing Date | Status (patented, pending, abandoned)/ U.S. application no. assigned (For PCT) |
|-------------------------------|-------------|--|
|-------------------------------|-------------|--|

- ☐ In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the above listed prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or Imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: Ellen W. Collisson

Inventor's signature* 

2/03/04
Date

Residence: 11385 Gold Mist, College Station, Texas 77845

Citizenship: USA

Post Office Address:

Full name of second inventor: Insoo Choi

Inventor's signature* _____

Date

Residence: Kuwoon-dong 893 Sungwon APT102-602, Konsun-gu,

Suwon 441-340, KOREA

Citizenship: Korea

Post Office Address:

Serial No. 09/303,510

Docket No. 2976-4054US2

- ☐ In this continuation-in-part application, insofar as the subject matter of any of the claims of this application is not disclosed in the above listed prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | |
|--------------------------------------|---|
| Full name of sole or first inventor: | <u>Ellen W. Colhason</u> |
| Inventor's signature* | _____ Date _____ |
| Residence: | <u>11385 Gold Mist College Station, Texas 77845</u> |
| Citizenship: | <u>USA</u> |
| Post Office Address: | |

| | |
|-------------------------------|---|
| Full name of second inventor: | <u>Insoo Choi</u> |
| Inventor's signature* | <u>Insoo Choi</u> Date <u>2/06/04, 6/18/04</u> |
| Residence: | <u>Kweseon-dong 893 Sungwon APT 102-602, Kwanseon-gu, Suwon 441-340, KOREA</u> |
| Citizenship: | <u>Korea</u> <u>Sangbong-dong 497 Taeyoung Apt 1408-302, Jungnang-gu, Seoul 131-220, Korea.</u> |
| Post Office Address: | |

BEST AVAILABLE COPY

816427 v1

-3-

ATTACHED IS ADDED PAGE TO DECLARATION FOR SIGNATURE BY THIRD AND
SUBSEQUENT INVENTORS FORM.Full name of third inventor: Barbara J. Winslow

Inventor's signature*

Barbara J. Winslow1-22-04

Date

Residence:

703 Stratford Court #7, Del Mar, California 92104, USA

Citizenship:

USA

Post Office Address:

Full name of fourth inventor: Mark D. Cochran

Inventor's signature*

Mark D. Cochran1-22-04

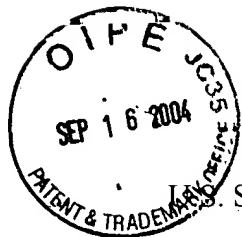
Date

Residence:

4506 Horizon Drive, Carlsbad, California 92008, USA

Citizenship:

Post Office Address:



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Serial No.: 09/303,510 Art Unit: 1648
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TITLE: NUCLEIC ACIDS ENCODING FELINE CD86
(formerly entitled: FELINE CD80, FELINE CD86, FELINE CD28, AND
FELINE CTLA-4 NUCLEIC ACID AND POLYPEPTIDES)

CONSENT OF ASSIGNEE
THE TEXAS A&M UNIVERSITY SYSTEM
UNDER 37 CFR § 1.48(a) TO ADD BARBARA WINSLOW AND MARK COCHRAN
AND UNDER 37 CFR § 1.48(b) TO DELETE STEPHEN HASH AS CO-INVENTORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Texas A&M University System, of Technology Licensing Office, 3369 TAMU, College Station, Texas 77843-3369, assignee of the entire interest in the subject matter of the above-identified invention by an assignment from Ellen Collisson, Stephen Hash and Insoo Choi to The Texas A&M University System, hereby consent to the change of inventorship in this application to delete Stephen Hash as co-inventor and add Barbara Winslow and Mark Cochran as co-inventors.

Date: 31 Aug 04

By: [Signature]
(Signature of authorized person at Texas A&M)

R. Page Heller
(type or print name of authorized person)

Interim Executive Director
(title of authorized person)



Docket No. 2976-4054US2

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Group Art Unit: 1648

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Examiner: Winkler, Ulrike

For : NUCLEIC ACID ENCODING FELINE CD86

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ASSOCIATE POWER OF ATTORNEY

Dear Sir:

Pursuant to the provisions of 37 CFR §§ 1.33 and 1.34 and MPEP § 402.02, the undersigned hereby appoints the following as associate attorneys to prosecute this application, to receive the patent, and to transact all business in the Patent and Trademark Office in connection with the above-identified application:

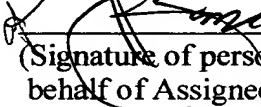
David H. Pfeffer (Reg. No. 19,825), Harry C. Marcus (Reg. No. 22,390), Robert E. Paulson (Reg. No. 21,046), Stephen R. Smith (Reg. No. 22,615), Kurt E. Richter (Reg. No. 24,052), J. Robert Dailey (Reg. No. 27,434), Eugene Moroz (Reg. No. 25,237), John F. Sweeney (Reg. No. 27,471), Arnold I. Rady (Reg. No. 26,601), Christopher A. Hughes (Reg. No. 26,914), William S. Feiler (Reg. No. 26,728), Joseph A. Calvaruso (Reg. No. 28,287), James W. Gould (Reg. No. 28,859), Richard C. Komson (Reg. No. 27,913), Israel Blum (Reg. No. 26,710), Bartholomew Verdirame (Reg. No. 28,483), Maria C.H. Lin (Reg. No. 29,323), Joseph A. DeGirolamo (Reg. No. 28,595), Michael P. Dougherty (Reg. No. 32,730), Seth J. Atlas (Reg. No. 32,454), Andrew M. Riddles (Reg. No. 31,657), Bruce D. DeRenzi (Reg. No. 33,676), Mark J. Abate (Reg. No. 32,527), John T. Gallagher (Reg. No. 35,516), Steven F. Meyer (Reg. No. 35,613), Kenneth H. Sonnenfeld (Reg. No. 33,285), Tony V. Pezzano (Reg. No. 38,271), Andrea L. Wayda (Reg. No. 43,979), Walter G. Hanchuk (Reg. No. 35,179), John W. Osborne (Reg. No. 36,231), Robert K. Goethals (Reg. No. 36,813), Peter N. Fill (Reg. No. 38,876), Kenneth S. Weitzman (Reg. No. 36,306), Richard Straussman (Reg. No. 39,847), Stephen J. Manetta (Reg. No. 40,426), Dorothy R. Auth (Reg. No. 36,434) and Michael O. Cummings, (Reg. No. 40,575)

of Morgan & Finnegan, L.L.P. whose address is: 345 Park Avenue, New York, New York, 10154; and Michael S. Marcus (Reg. No. 31,727), and John E. Hoel (Reg. No. 26,279), of Morgan & Finnegan, L.L.P., whose address is 1775 Eye Street, Suite 400, Washington, D.C. 20006.

Respectfully submitted,

On behalf of
The Texas A&M University System

Date: 30 MAR 01

By: 
(Signature of person authorized to sign on
behalf of Assignee)

R. Page Heller

(Typed or printed name of person authorized to
sign on behalf of Assignee)

Interim Executive Director

(Title of person authorized to sign on behalf of
Assignee)